

REMARKS

80 claims remain in the case of which claims 1 through 10 and 25 through 80 have been withdrawn.

The Examiner has objected to the drawings on the grounds that they disclose a reference numeral not discussed in the specification. Applicant submits paragraph [0035] as amended overcomes this objection.

The Examiner has rejected Claims 11-15 and 21 on the grounds that they are anticipated by US Patent Application 2001/0001236 by Lake. Applicant submits that the rejections are overcome in view of the following arguments.

The present Application relates to a wear sensor for sensing wear on a surface of a component of a machine or the like which is subject to abrasive or corrosive actions causing the surface to be eroded over time. In order to carry out this sensing application, the sensor as claimed at Claim 11 comprises at least one conductive trace comprising a wear portion which is positioned at a predetermined distance from the surface which is subject to wear.

Lake relates to a circuit for determining the presence of termites using a conductive loop and substrate fabricated from a material which can be removed by termites. In the event that material comprising the conductive loop is removed by the termites the circuit is broken indicating their presence. Nowhere does Lake show positioning a wearing portion of the conductive trace at a predetermined distance from the wear surface as claimed at Claim 11 of the present application. Indeed, it is apparent that the positioning of the conductive loop is of no consequence in Lake and the presence of termites would seem to be indicated faster the closer the loop is placed to the edge of the substrate. As a result, it is apparent that Lake is not concerned with indicating a depth of wear as is Claim 11 of the present invention, but rather is simply to indicate the presence of termites. In view of the above, Applicant submits that Lake does not teach all of the elements of Claim 11 of

the present application and therefore is an allowable claim.

In any case the Examiner has apparently chosen to broadly construe the actions of termites to be "wear" in order to fall within the scope of Claim 11 of the present invention, which Applicant submits is unfounded. It is clearly apparent that wear as used in the context of the present application is directed to abrasive, corrosive or similar wear that machinery is subjected to during operation, and not the action of a pest such as termites.

As claims 12 through 24 all depend from an allowable claim, it is submitted that they, too, are allowable claims.

The rejections of the original claims are believed to have been overcome by the present remarks and the introduction of new claims. From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such an action is earnestly solicited.

No fee is believed to be required to enter this response. However, should a fee be necessary, please charge Deposit Account No. 07-1742.

Respectfully submitted,

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